

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
CATHERINE MCKOY, et al.,

Plaintiffs,

-v-

THE TRUMP CORPORATION, et al.,

Defendants.

CIVIL ACTION NO.: 18 Civ. 9936 (LGS) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

Before the Court are several discovery disputes raised by Plaintiffs, specifically:

- (i) Plaintiffs' request for permission to take up to 25 fact-witness depositions (ECF Nos. 383–84);
- (ii) Plaintiffs' request to compel Defendants to produce certain documents and information (ECF Nos. 386–87); and (iii) Plaintiffs' requests to compel non-party ACN Opportunity, LLC ("ACN") to produce certain documents, and to take the depositions of ACN four founding executives (ECF Nos. 396–97).

Having reviewed the parties' submissions, and having heard the parties' arguments during the discovery conference held today, May 18, 2022 (the "Conference"), the Court orders as follows:

1. Plaintiffs' request to take up to 25 fact depositions is GRANTED IN PART and DENIED IN PART. As discussed at the Conference, Plaintiffs' fact-witness depositions shall be limited to a total of 105 hours, inclusive of the two ACN witness depositions that Plaintiffs have already taken. The parties shall promptly meet and confer to identify the remaining witnesses that Plaintiffs intend to depose and, by **5:00 pm on June 3, 2022**, shall file a joint letter (the "Joint Letter") indicating the names and deposition

dates of the fact-witness depositions to which the parties have agreed, or, if they cannot agree, setting forth the parties' disputes as to these issues.

2. Plaintiffs' request to compel Defendants to produce the documents and information identified in Plaintiffs' letters at ECF Nos. 386–87 is GRANTED IN PART and DENIED IN PART as follows:

- a. Plaintiffs shall promptly provide Defendants with a list of episodes of The Celebrity Apprentice (i) in which Defendants Donald Trump Jr., Eric Trump, or Ivanka Trump appeared, and (ii) for which Plaintiffs claim that these Defendants received compensation for promoting ACN (the "Episodes").
- b. Defendants' counsel shall promptly discuss with their clients the feasibility of a search for and production of the following:
  - i. A list of all payments made by Trump Production LLC to Defendants Donald Trump Jr., Eric Trump, or Ivanka Trump within 30 days of the Episodes;
  - ii. A list of all financial donations received by the Eric Trump Foundation from ACN from 2013 through 2017; and
  - iii. All transcripts of sworn testimony (i) given by individuals who will be deposed in this action, (ii) as part of legal actions or investigations relating to allegations of consumer fraud, including in connection with Trump University, and (iii) that occurred since 2015.
- c. After these discussions, the parties shall promptly meet and confer to discuss the documents and information Defendants are willing to produce. In the

Joint Letter, the parties shall advise whether any dispute remains on these topics.

3. At the Conference, Plaintiffs and ACN represented that they resolved Plaintiffs' request to compel ACN to produce non-email documents and information. Accordingly, Plaintiffs' request as to this topic is DENIED as moot.
4. Plaintiffs' request to compel ACN to review and produce responsive emails and ESI resulting from the narrowed search identified in Plaintiffs' letter at ECF Nos. 396–97 and ACN's letter at ECF Nos. 403–04, and as narrowed further as discussed during the conference is GRANTED, provided that Plaintiffs reimburse ACN for the reasonable costs incurred to perform the privilege review and production of these documents.
5. Plaintiffs' request to compel the depositions of ACN's four founding executives is DENIED WITHOUT PREJUDICE to renewal, on a showing of good cause, following Plaintiffs' completing the deposition of ACN's Fed. R. Civ. P. 30(b)(6) witness.

A telephone conference is scheduled for **Wednesday, June 8, 2022 at 12:00 pm** on the Court's conference line. The parties are directed to call: (866) 390-1828; access code: 380-9799, at the scheduled time.

The parties are directed to promptly order a transcript of today's Conference.

Dated: New York, New York  
May 18, 2022

SO ORDERED.

  
SARAH L. CAVE  
United States Magistrate Judge